

REMARKS

35 U.S.C. §112, second paragraph

Claims 1-15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 15 have been amended to clarify that "a chamfer" is located at the axially innermost point of the blocks.

35 U.S.C. § 103(a)

Claims 1-4, 12 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhr et al. (US 5,234,042) (hereinafter "Kuhr") in view of Japan 513 (JP 2002-240513) and Himuro 384 (US 5,885,384). This rejection is respectfully traversed for the following reasons.

Kuhr is cited for showing a tire having a center rib with a straight, zig-zag, or a notched side configuration in combination with steeply slanted grooves in the side regions.

Himuro 384 is cited for teaching chamfering of the axially inner edges of a block and it is held that it would have been obvious to modify the corners of the slant blocks 32, 33 of Kuhr to improve drainage and enhance ground contact pressure.

Japan 513 is cited for showing a center rib having crevices formed therein having a length of 10 to 50% of the footprint length. In the April 17, 2006 Office Action, it is stated that this length is "such that the rib chamfer is longer than the opening of the slant grooves and overlaps the acute angle corner of an adjacent block." While Japan 513 teaches the disclosed ratio between the chamfer length and the footprint length – there is no teaching that the chamfer length must be set to be longer than the opening of the adjacent slant groove or that the chamfer overlap the corner of any adjacent block as asserted in the Office Action. Any length of the chamfer relative to the length of the adjacent slant grooves is going to be dependant on several factors including the length of the slant groove and the length of the footprint.

As argued previously by Applicant, both Kuhr and Japan 513 teach that the notch and chamfer is adjacent to the side slant grooves so that any water flow created by the central rib chamfer is directed into the slant groove to direct water out from the footprint. There is no teaching in either reference that a central rib chamfer should be adjacent to a block chamfer as recited by Applicants, as opposed to adjacent the groove.

Assuming that one skilled in the art would have applied the teachings of Japan 513 to the Figure 3 tire of Kuhr, there is no certainty that the chamfer formed in the modified rib of Kuhr inherently results in an overlap with the chamfered corners of the side blocks. With the interpretation asserted in the rejection that any overlap of the two rib and block chamfers is "axially adjacent" per the claimed, there is a *possibility*, though not a certainty, that if the higher end of Japan 513's taught range of L1 is applied, i.e. a length L1 of 35-50% of the footprint length Lo, a chamfer in the modified rib of Kuhr may create some degree of overlap between the rib and block end chamfers.

Amended claim 1 recites that at the tread surface, the circumferentially extending edge of the rib extends substantially straight between the laterally oriented rib edges. In all of the embodiments of Japan '513, the circumferentially extending edges of the ribs do not extend straight between the lateral edges. As noted in paragraph 12 of the Office Action, the circumferential edges of the chamfers of Japan 513 have two segments, creating a bent circumferential edge not a substantially straight edge between the lateral edges. Also, due to the disclosed pitch length of the chamfers, the chamfers will not be directly touching one another to ever have an substantially straight edge between the lateral edges.

As Kuhr in view of Japan 513 and Himuro 384 fails to establish *prima facie* obviousness of the invention as now recited in claims 1-4, 12 and 13, it is respectfully requested that the rejection be withdrawn.

Claims 6-7 and 10-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhr in view of Japan 513 and Himuro 384 and further in view of Europe 685 (EP688685).

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhr in view of Japan 513 and Himuro 384 and further in view of Japan 919 (Japan 2002-103919).

Claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhr in view of Japan 513, Himuro 384 and Japan 919 and further in view of Japan 604 (JP 1-215604).

These rejections are considered moot in light of the amendment to claim 1. Regardless, Applicant does not concede the obviousness of any not specifically argued dependent claim.

Obvious Type Double Patenting

Claims 1-5, 8-9 and 12-15 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3-17 of copending application No. 10/601,936 (Attorney Docket No. DN2003097) in view of Kuhr and Europe 971 (EP 1,075,971).

It is noted that the pending application cited in this rejection is now US Patent 7,028,733, granted April 18, 2006, one day after the pending Office Action was mailed.

Claim 1 of US Patent 7028733 does not recite the pneumatic tire of amended claim 1 or claim 14 dependant on claim 1. Claim 1 recites that the circumferentially extending edge must be substantially straight between the lateral edges. This is not appreciated by claim 1 of US Patent 7028733 nor the additional prior art of Kuhr or EP 971.

Regarding claim 15, a Terminal Disclaimer is attached hereto.

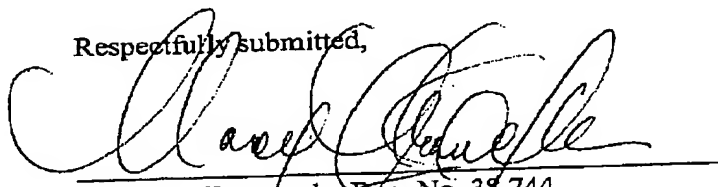
Indication of Allowable Subject Matter

The various indications of allowable subject matter as set forth in paragraph 12 of the Office Action are noted and duly appreciated.

Claim 1 has been amended to recite that the circumferential edge extends substantially straight between the laterally oriented edges. In the suggested language of paragraph 12 regarding a proposed amendment to claim 1, additional language regarding where the circumferential edge and the lateral edges meet (i.e. the axially innermost and axially outermost ends of the lateral edges) was proposed. A review of all prior art of record shows that this additional language, in combination with already present claim language, is not necessarily required to define over the structures of the prior art. As argued above, none of the embodiments of Japan 513 shows the circumferential edge extending straight between the lateral edges. The recited circumferential edge is not appreciated or taught by Kuhr. The multiple pieces of prior art showing straight circumferentially extending edges, such as Japan 2002-103919, Himuro US 2001/0017177, and EP 1075971, all fail to have the lateral edges of the rib located at the tread surface.

In light of this amendment, Applicants believe all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,



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